

January 16, 2019
6:34 PM

A caucus meeting of the Mayor and Council of the Borough of West Long Branch was held on the above date and time in the Council Chambers, Borough Hall, 965 Broadway, West Long Branch, N.J.

Mayor Janet W. Tucci presided.

Mayor Tucci reported that in accordance with N.J.S.A. 10:4-6 adequate notice of this meeting of the Mayor and Council has been provided.

PRESENT: BRAY, CIOFFI, MANGO, MIGLIACCIO, NEYHART, PENTA
ABSENT: NONE

COUNCILMAN CIOFFI:

1. It was recommended that the Mayor and Council institute a policy for the public portion of the meetings. The policy should require that the individual approach the podium and state their name and address. Further, comments, even on pending ordinances, would be limited to three minutes; however, the Council President could allow for additional time if warranted. The Borough Attorney was asked to prepare a resolution setting forth this policy for consideration by the Borough Council at the February 6th meeting.

BOROUGH ATTORNEY BAXTER:

1. It was reported that N.J.S.A. 26:3D-65, which prohibits smoking at public parks and beaches, takes effect January 16, 2019, and that it further supersedes any municipal ordinance. As a result, the Borough Attorney stated that it was necessary to repeal Ordinance No. O-18-5 since municipalities were prohibited from enacting ordinances which prohibit the same activity as an existing New Jersey statute prohibits. The Borough Attorney pointed out that a secondary issue arose concerning smoking on public property when the area was not a public park or beach, and he thought the Borough Council might want to enact an ordinance setting a distance requirement for smoking outside of public buildings. If such an ordinance was adopted, signage would be required to alert persons to the requirement for it to be enforceable in Municipal Court. It was determined that twenty-five feet from any entrance/exit to any municipal building was reasonable. The

BOROUGH ATTORNEY BAXTER: (Contd.)

Borough Attorney indicated that he would prepare the necessary ordinances for consideration at the February 6th meeting.

2. The Borough Attorney received an inquiry from the Court Administrator concerning the effectiveness of Ordinance 6-5.5, which prohibits the possession or consumption of alcoholic beverages on private property by persons under the legal age. The Borough Attorney investigated the inquiry and determined that it was not necessary to repeal or change the existing Borough ordinance since it addressed private places rather than public places and, therefore, was not preempted by State law.
3. It was noted that the requested resolution in opposition to the New Jersey Attorney General's Law Enforcement Directive Number 2018-6 regarding immigrant communities was on tonight's regular agenda for consideration.
4. An attorney representing the contract purchaser of the Shaheen property contacted the Borough Attorney with concerns about the setbacks required on that property and requested a meeting with the Governing Body to discuss the subject. The Borough Attorney advised him that the Governing Body would direct him to the Board. Further, he stated that he didn't believe either the Governing Body nor the Board would be inclined to revisit the restrictions. Councilman Bray stated that he could request an informal hearing before the Planning Board.

Councilman Neyhart moved that the Council enter Executive Session at 6:58 PM. Seconded by Councilman Migliaccio and carried unanimously.

EXECUTIVE SESSION RESOLUTION

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

2018 Awards; IT Contract; Engineer's Contract; Freehold Soil Deficiency Notice; Tax Board Appeals; 95 Poplar Demolition Contract

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date under the following circumstances:

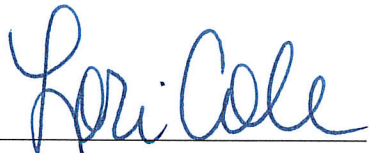
When the need for privacy as to each item no longer exists.

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12):

- ☐ 1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
- ☐ 2. Rendered confidential by State Statute or Court Rule.
- ☐ 3. Would constitute an unwarranted invasion of individual privacy.
- ☐ 4. Deals with collective bargaining or any employment agreement, including negotiations positions.
- ☐ 5. Deals with purchase, lease or acquisition of real property with public funds.
- ☐ 6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
- ☐ 7. Related to tactics and techniques utilized in protecting the safety and property of the public and disclosure may adversely affect the public.
- ☒ 8. Related to investigation of violations or possible violations of the law.
- ☒ 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.

- X 10. Falls within the attorney-client privilege and confidentiality is required.
- X 11. Deals with personnel matters involving the employment, appointment, termination of employment, terms and conditions of employment, performance evaluation or discipline of any public officers or employees, either current or prospective, and all of the employees or appointees whose rights could be adversely affected have not requested that the matter be discussed publicly.
12. Quasi-judicial deliberations after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

Councilman Neyhart moved Council adjourn at 7:30 PM, seconded by Councilman Bray, and carried unanimously.


BOROUGH CLERK